

### **IN THE CLAIMS**

Please enter the following amendments:

1. (currently amended) A prefabricated construction element for use after its manufacturing as an underlayment or backerboard comprising:

(a) a cementitious core having an upper principal face and a lower principal face, the lower principal surface not having reinforcement mesh material embedded in or adhered to the lower principal surface;

(b) an impervious **non-adhesive** non-cementitious reinforcement web disposed directly on the lower principal face of the core **while the core is in a plastic state**, the impervious **non-adhesive** non-cementitious reinforcement web remaining on the lower principal face of the core after the manufacture of the construction element;

(c) a cementitious bonding surface remaining on the upper principal face of the construction element after the manufacture of the construction element; and

(d) a non-cementitious surface remaining on the lower principal face of the construction element after the manufacture of the construction element;

the impervious **non-adhesive** non-cementitious reinforcement web having a sufficient tensile strength to provide the construction element with a flexural strength capable of supporting loads associated with elements used as an underlayment or backerboard;

the impervious **non-adhesive** non-cementitious reinforcement web having a resistance to free water penetration greater than or equal to that of felt paper;

the core including alkaline resistant fibers; and

the construction element being prefabricated.

2. (original) The construction element of Claim 1, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

3. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement web comprising a reinforced polymer membrane.

4. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement web comprising water impervious paperboard.
5. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement web comprising spunbonded olefin.
6. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement web comprising an alkaline resistant dense polymer fiber mat.
7. (previously presented) The construction element of Claim 2, the core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.
8. (currently amended) A construction element comprising:
  - a cementitious core having an upper principal face and a lower principal face, the upper principal face having a single layer of pervious reinforcing mesh embedded in or adhered to the upper principal surface;
  - an upper cementitious coating disposed on the upper principal face of the core and the pervious reinforcing mesh;
  - an impervious **non-adhesive** non-cementitious reinforcement web on the lower principal face of the core, the impervious **non-adhesive** non-cementitious reinforcement web **adhereing to the lower principal face of the core as the core hardens and** remaining on the lower principal face of the core after the manufacture of the cementitious panel, **wherein the impervious non-adhesive non-cementitious reinforcement web is an alkaline resistant polymer;**
  - ~~a pervious cementitious bonding surface remaining on the upper principal face of the cementitious panel after the manufacture of the cementitious panel; and~~
  - ~~a non-cementitious surface remaining on the lower principal face of the cementitious panel after the manufacture of the cementitious panel.~~

9. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement web comprising a single reinforced polymer membrane layer.

10. (canceled)

11. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement web comprising spunbonded olefin.

12. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement web comprising an alkaline resistant dense polymer fiber mat.

13. (previously presented) The cementitious panel of Claim 8, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads, and  
wherein there is only one impervious non-cementitious reinforcement web for the construction element, that being located on the lower principal face of the construction element.

14-44. (canceled)

45. (currently amended) A construction panel comprising:  
a cement core having an upper principal face and a lower principal face;  
an upper stratum face consisting of a pervious reinforcement mesh having;  
a coating of cement slurry disposed on the surface of the mesh, the mesh embedded in the upper principal face of the core;  
a lower stratum consisting of an impervious **non-adhesive** non-cementitious reinforcement web layer disposed directly on the lower principal face of the core **while the core is in a plastic state and bonded to the core by the hardening of the core, wherein the web consists of flashspun high-density polyethylene fibers.**

46. (currently amended) The panel **of** Claim 45, the upper principal face and the lower principal face having different moisture-resistant surfaces, respectively, on each.

47-48. (canceled)

49. (currently amended) The panel **of** Claim 45, the core including alkaline resistant fibers.

50. (currently amended) The panel **of Claim** 49, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

51. (canceled)

52. (currently amended) A backerboard panel consisting of:

a cementitious core having first surface and a second surface;

a reinforcement mesh material embedded in the first surface;

**an upper coating disposed on the first surface and the reinforcement mesh;**

and

**[[an]] a non-adhesive alkaline resistant** impervious membrane disposed directly on the second surface, **wherein the membrane is disposed on the core in its plastic state and adheres to the core as the core hardens.**

53. (currently amended) A backerboard panel consisting of:

a cementitious core having first surface and a second surface;

a reinforcement mesh material embedded in the first surface;

a coating disposed atop the first surface; and

**[[an]] a non-adhesive** impervious membrane **composed of nonwoven spunbonded olefin fibers** disposed directly on the second surface, **wherein the membrane is disposed on the core in its plastic state and adheres to the core as the core hardens.**